

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9664 of 2005

Between:

M.Shyam Sundar, S/o Samba Murthy, A.Narayanapuram Village, Anantapur
Rural Mandal, Anantapur District.

... PETITIONER

AND

- 1 The Principal Secretary (Panchayat Raj) Government of A.P.Secretariat,
Hyderabad.
- 2 The District Collector, Anantapur.
- 3 A.Jagan Mohan Reddy, s/o late U.Rami Reddy, Sarpanch, A.Narayanapuram
Village, Anantapur Rural Mandal, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of mandamus the declaring the inaction of the respondents 1 and 2 in not taking proper action against the respondent 3 in accordance with law as per the report i.e., Rc.No.246/2004 A (Panchayat) dt.17-02-05 by the Divisional Panchayat Officer, Anantapur to the District Panchayat Officer, Anantapur is arbitrary, illegal and violative of Sec.249 of A.P.Panchayat Raj Act 1994 and consequently direct the respondents 1 to 2 to take effective actions against the 3rd respondent under the light of report i.e., Rc.No.246/2004 A (Panchayat) dt.17-02-05 by the Divisional Panchayat Officer, Anantapur forthwith.

Counsel for the Petitioner: MR.KUNCHE MAHESWARA RAO

**Counsel for the Respondents 1 & 2: GP FOR PANCHAYAT RAJ & RURAL
DEV.**

Counsel for the Respondent No.3: ---NONE APPEARED---

The Court at the admission made the following:

ORDER:

The writ petitioner claims to be the Upa Sarpanch of A.Narayanapuram Gram Panchayat. It is alleged that the third respondent, who is the Sarpanch of the said Gram Panchayat failed to conduct panchayat meetings regularly and he is also guilty of misappropriation of panchayat funds. The petitioner states that the Divisional Panchayat Officer, Anantapur, having conducted an enquiry into the said allegations, by proceedings dated 17-02-2005 submitted a report to the District Panchayat Officer, Anantapur, stating that it is necessary to take appropriate action. However, the second respondent failed to take any further action in spite of the representations made by the petitioner and ward members. Hence, this writ petition seeking a Writ of Mandamus declaring the inaction on the part of the respondents 1 and 2 in taking action against the third respondent as arbitrary and illegal.

Learned Government Pleader for Panchayat Raj appearing for the respondents, states that the second respondent is the competent authority to take appropriate action where the Sarpanch is found to have abused his position or where he is guilty of misconduct in the discharge of his duties, and therefore the necessary enquiry will be made into the allegations and appropriate orders will be passed.

Accordingly, the writ petition is disposed of with a direction to the second respondent to take the necessary steps on the basis of the report of the Divisional Panchayat Officer, Anantapur, dated 17-02-2005, following due process of law, expeditiously.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 27-04-2005

Note: Furnish C.C. in a week.

B/o.

LSK

To

1 The Principal Secretary (Panchayat Raj) Government of A.P.Secretariat,

Hyderabad.

2 The District Collector, Anantapur.

3 Two C.Cs. to the G.P. for Panchayat Raj, High Court buildings, Hyderabad.

(OUT)

4 Two C.D. copies.